

## REMARKS

This amendment is responsive to the Office Action mailed February 10, 2006. At the outset, the applicant's representative wishes to thank Examiner Vig for his time, courtesy and helpfulness during the recent telephone interview of March 31, 2006.

As the Examiner will recall, the examiner requested, relative to the second full paragraph of page 6 of the outstanding Office Action, that the independent claims be amended to recite that the first online purchase request is received over a computer network. The independent claims have been so amended.

The Examiner also voiced his concern in the second full paragraph of the outstanding Office Action and during the telephone interview, that no selection of the first or second order processing route was recited in the independent claims. Responsive thereto, the independent claims have been amended to recite "receiving from the customer a selection of the first order processing route or the second order processing route and processing the first online purchase request according to the customer's selection", as discussed during the telephone interview.

Claims 1, 24 and 47 were rejected under 35 USC §112(2) for the recitation "responsive to the first online request" lacked antecedent basis. Responsive to this rejection, this step has been amended to read "responsive to the first online **purchase** request." Reconsideration and withdrawal of these rejections are, therefore, believed to be warranted.

Claims 12-13, 35-36, 58-59 were rejected for indefiniteness. Responsive thereto and as discussed during the telephone interview, the offending recitation "at least one of the customer, a selected process and at least one authorized person" has been amended to "at least one of the customer, a selected process and ~~at least one~~ **an** authorized person." As agreed during the

interview, the amended phrase is now sufficiently definite for the purposes of the second paragraph of section 112.

Before discussing the applied art, the Examiner's attention is respectfully drawn to the second paragraph of page 3 of the outstanding Office Action. As discussed during the most recent and previous telephone interviews, the independent claims require "providing a bifurcated order processing route that requests the customer to choose a first order processing route or a second order processing route", in which the second order processing route affords "the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute." Therefore, the Office is not at liberty to choose to consider just the first order processing route or to just consider the second order processing route." The claims require that the bifurcated order processing route be provided to the customer, with each of the constituent first and second order processing routes of the bifurcated order processing route being configured as claimed.

Claims 1, 3-5, 9-24, 26-28, 32-47, 49-51 and 55-69 were rejected as being anticipated by B&N (additional pages added). Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 recites:

**receiving, over the computer network, a first online purchase request for a first item;**

**responsive to receiving the first online purchase request, providing a bifurcated order processing route that requests the customer to choose a first order processing route or a second order processing route, the first order processing route causing the first online purchase request to be processed according to an express processing procedure that requires no further input by the customer to execute the first online purchase request, the second order processing route causing the first online purchase request to be placed in a shopping cart that allows one or more additional**

**purchase requests for additional items to be placed therein, the second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute.**

Therefore, to anticipate this claim, B&N must disclose a step of “providing a bifurcated order processing route that requests the customer to choose a first order processing route or a second order processing route,” in which the second order processing route affords “the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute.” Failing such, the 35 USC §102(a) rejection must be reconsidered and withdrawn.

It is respectfully submitted that B&N does not teach such a bifurcated order processing route. In particular, B&N does not teach any second order processing route that affords the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute. As discussed in detail during the most recent telephone interview, B&N teaches to place items in a shopping cart, but does not teach processing the shopping cart according to the express order processing route that requires no further input by the customer. Indeed, B&N teaches, at page 12 of 35, at “How to Check Out the Items in Your Cart” to

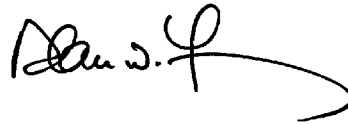
- 1) click the shopping cart link;
- 2) click Checkout Now;
- 3) Enter customer information (if not already in the system;
- 4) click Continue, and
- 5) click Press Here to Send My Order.

As the Examiner can see, this protracted process requires lots of “input by the customer to execute” and cannot be likened to the claimed causing “execution of the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute.” Likewise, the section on page 13 of B&N referred to by the Office in the “how to Place an Order Using Express Lane” section does not teach any method or means for causing “execution of the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute,” as claimed. Throughout the description of B&N’s “Express Lane,” the customer’s purchase is referred to as “the item” (note the singular), and not as a shopping cart.

The Examiner also pointed to page 5 of 35 of B&N. However, there is no mention in this page of executing “the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute,” as claimed. Instead, the customer is simply instructed to go to Checkout, to enter his or her email address and password, if such has not already been entered, and to enter his or her payment instrument information. Nothing further is said regarding the checkout procedure in this page. It is respectfully submitted that the B&N (including the additional pages thereof provided to the applicant) do not teach or suggest providing a bifurcated order processing route having the claimed first and second order processing routes, with the second order processing route being configured as claimed to cause “execution of the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute.” Failing such, it is respectfully requested that the anticipatory rejection of the claims be reconsidered and withdrawn.

It is believed that each of the Examiner's concerns, objections and rejections have been addressed and/or overcome, as appropriate. Applicants, therefore, believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



Date: March 31, 2006

By: \_\_\_\_\_

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